

REMARKS

The Examiner is thanked for the courtesy of granting a telephone interview to the undersigned on April 26, 2005. There was a discussion at that time of possibly amending the independent claim to recite "consisting of" to address both the formal and art matters in the Office Action. Claim 1 has been so revised while striking "only". The claims before the Examiner remain claims 1 to 5 and 8.

The rejection of all claims under the first paragraph of 35 USC 112 for allegedly failing to comply with the written description requirement is moot because "only" has been canceled from claim 1. Applicants respectfully submit that the claim as it read was proper, but the claim has been amended in a sincere attempt to advance prosecution here.

The rejection of claims 1 to 5 and 8 under 35 USC 103 as unpatentable over Close et al. '865 in view of Machida et al. '079, if applied to the claims as amended, is respectfully traversed. The Examiner will recall that the April 26, 2005 discussion focused on Close et al. '865 and what it disclosed and did not disclose. Applicants remain of the view expressed in the Amendment filed December 7, 2004 that the reference

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absolutely requires the presence of a foaming material, which is excluded from the present claims. The following portions of Close et al. '865 indicate that a foaming material is required absolutely: lines 6 to 8 of the Abstract, the drawings; column 2, lines 26 to 30 and 38 to 51; column 3, lines 50 to 60; column 5, lines 43 to 46; and the claims. Thus there is no proper rejection of the claims over these references.

Applicants respectfully submit that all of the remaining rejections (including the obviousness-type double patenting rejection) should be withdrawn as well because Close et al. '865 is a part of each of those rejections. The claims as amended exclude such the mandatory foaming material configuration of that reference. The references in combination do not teach or suggest what is claimed here.

In view of the foregoing revisions and remarks, it is respectfully submitted that claims 1 to 5 and 8 are in immediate condition for allowance.

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The Examiner is requested to telephone the undersigned should further changes be required in the claims prior to formal allowance.

Respectfully submitted,

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Date

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